THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No. 9096 of 2007

Dated: 30.04.2007

Between:

Veligatla Srinivas.

.... PETITIONER

AND

The Chief Engineer,
Operation and Maintenance,
Kothagudem Thermal Power Station,
Paloncha, Khammam District.

.....RESPONDENT

THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No. 9096 of 2007

Order:

Aggrieved by the action of the respondent-Chief Engineer in placing him under suspension, vide impugned memo dated 24.03.2007, pending enquiry, on the ground that he was involved in a criminal case in Crime No. 27 of 2007 of Machavaram Police Station under Section 498(A) IPC, the petitioner filed the present writ petition.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondent.

Learned counsel for the petitioner submits that as per Regulation No. 11(b) of the APSEB Employees Discipline and Appeal Regulations an employee who is detained in police custody whether on a criminal charge or otherwise, for a period longer than forty eight hours shall be deemed to have been suspended, but the respondent-Chief Engineer, without considering the fact that the petitioner was not in police custody for more than 48 years and contrary to the said regulations, passed the impugned order placing the petitioner under suspension. He, thus, prays to set aside the impugned order and allow the writ petition.

On the other hand, learned Standing Counsel for the respondent submitted that the petitioner can make a representation before the authorities concerned seeking revocation of suspension order, by taking the same stand, which was taken in this writ petition.

Having regard to the facts and circumstances of the case,

without going into the merits of the matter, I deem it appropriate to dispose of the writ petition with the following directions:

The petitioner is directed to make a representation before the respondent-Chief Engineer by taking the plea, which he raised in this writ petition, immediately, and on such representation being made, the respondent-Chief Engineer shall consider the same in accordance with law, particularly in the light of Regulation

No. 11(b) of the APSEB Employees Discipline and Appeal Regulations, and pass appropriate orders thereon within a period of four weeks therefrom.

Accordingly, the writ petition is disposed of. No costs.

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N.V. RAMANA, J.

Date: 30.04.2007
Nsr/Ksr